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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,927	02/27/2004	David Martyn Roessler	GP-302458	9539

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KATHRYN A MARRA
General Motors Corporation
Mail Code 482-C23-B21, Legal Staff
P.O. Box 300
Detroit, MI 48265-3000

EXAMINER

PEDDER, DENNIS H

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/788,927	Applicant(s) ROESSLER, DAVID MARTYN	
	Examiner Dennis H. Pedder	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/27/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Rogers, Cole et al., or Plaid so Beautiful.

The preamble of these claims is not essential nor does it give life to the meaning of the terms following the “comprising” clause. As a result, the claims are anticipated by the teachings of glass matrix by Rogers and Cole et al. and by the teaching of glass leading by Plaid so Beautiful, all phosphor materials.

As to claims 2-3, glass transmits light within the visible frequencies.

As to claim 12, this is an inherent feature of phosphorescent materials.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 is inherent in the phosphorescent materials claimed in claim 1. Claim 12 is thus confusing in not limiting claim 1 and rejected under 35 USC 112, fourth paragraph as well for that reason.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 6-9, 11-13, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caiati in view of any one of Wendt, 3M, or Burnell-Jones.

Caiati shows a sunroof panel and opening. The panel has decorative coverings in chapters 8 and 9 in the form of paint and film. Wendt teaches that it is known in the art of glass making to coat fireproof glasses with phosphorescent material as a visual aid. 3M teaches that it was known in the art of film application to use luminous film for safety and signage. Jones teaches that commercially available sheets of PVC with phosphorescent material were known prior to the invention of applicant and that luminous polymers were used in the automotive industry prior to the invention of applicant in association with paint surfaces. Plaid so Beautiful teaches that prior to the invention of applicant luminous decorative paint leading was known in the art of decorative glass. As a result of these prior art teachings, and the common knowledge available to all of the difficulty of locating a vehicle in a crowded parking lot, it would have been obvious to one of ordinary skill to provide in Caiati phosphorescent material as taught by any one of the above references as a decorative and/or visual aid to enhance identification.

As to claims 6-9, these are deemed to be materials of common knowledge in the phosphor art.

As to claim 20, absorption of incident light energy into a phosphorescent coating or matrix inherently diffuses the energy and reduces heat load.

7. Claims 4, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caiati in view of Burnell-Jones as applied to claims 1, 13 above, and further in view of Rogers.

Burnell-Jones teaches a matrix in PVC. Rogers teaches a matrix in glass. It would have been obvious to one of ordinary skill to provide in Caiati a phosphorescent matrix as taught by either Jones or further in view of Rogers in order to preserve the phosphorescent material from damage.

8. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caiati in view of Wendt or 3M.

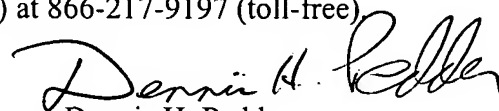
It would have been obvious to one of ordinary skill to provide in Caiati phosphorescent coatings as taught by Wendt as a cost effective approach or films as taught by 3M in order to enhance viewing of the decorative effect.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (703) 308-2178. The examiner can normally be reached on 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dennis H. Pedder
Primary Examiner
Art Unit 3612

1/3/05

DHP
1/3/2005